

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

SERGIO LARA §
VS. § CIVIL ACTION NO. 9:23cv56
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner Sergio Lara, an inmate confined in the Ferguson Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. While the petition is not entirely clear, petitioner appears to attack a conviction from El Paso County, Texas.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring a petition for writ of habeas corpus in the federal judicial district in which he was convicted or the district in which he is incarcerated.

Petitioner's criminal conviction occurred in El Paso County. Pursuant to 28 U.S.C. § 124, El Paso County is in the El Paso Division of the United States District Court for the Western District of Texas. Moreover, petitioner is currently confined at the Ferguson Unit, which is in Madison County, Texas. Pursuant to Section 124, Madison County is located in the Houston Division of the United States District Court for the Southern District of Texas.

Petitioner is not incarcerated in, and his criminal conviction did not occur in, the Eastern District of Texas. As a result, this court lacks jurisdiction over the petition.

Title 28 U.S.C. § 1406(a) provides that when a case is filed in the wrong judicial district, the court may transfer the case to the appropriate district. It is accordingly **ORDERED** that this petition is **TRANSFERRED** to the El Paso Division of the Western District of Texas.

SIGNED this 29th day of March, 2023.



Zack Hawthorn
United States Magistrate Judge